



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 14, 1995

Mr. Mark E. Dempsey
Assistant City Attorney
City of Garland
P.O. Box 469002
Garland, Texas 75046-9002

OR95-1227

Dear Mr. Dempsey:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. We assigned your requests ID# 36366 and ID# 36525.

The City of Garland received two open records requests for documents regarding an incident that occurred on a certain date at a certain location. You argue that section 552.108 of the Government Code excepts from disclosure all the requested information except that generally found on the first page of the offense report. We conclude, however, that the provisions succeeding section 34.08 of the Family Code except the requested information from disclosure. *See* Act of May 25, 1995, 74th Leg., R.S., ch. 751, § 93, 1995 Tex. Sess. Law Serv. 3888, 3924 (to be codified at section 264.201 of the Family Code).

Like former section 34.08 of the Family Code, the successor to section 34.08 of the Family Code makes confidential the files used or developed in an investigation of child abuse or neglect. *Id.* (to be codified at section 264.201(a)(2) of the Family Code). The investigation at issue here is an investigation of child abuse or neglect. *See id.* at § 86, 1995 Tex. Sess. Law. Serv. 3888, 3921-22. Therefore, the successor to section 34.08 of the Family Code requires you to withhold the requested information.¹

¹We note, however, that a parent, managing conservator, or other legal representative of a child who is the subject of reported abuse or neglect may be entitled to review the records of the investigation done by the Texas Department of Protective and Regulatory Services. *See* Act of May 25, 1995, 74th

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Margaret A. Roll
Assistant Attorney General
Open Records Division

MAR/rho

Ref.: ID# 36366 and ID# 36525

Enclosures: Submitted documents

cc: Mr. Clay Lyons
Boone Edward Lyons
1021 Maydelle Lane
Garland, Texas 75042
(w/o enclosures)

(Footnote continued)

R.S., ch. 751, § 93, 1995 Tex. Sess. Law Serv. 3888, 3924 (to be codified at section 264.201 of the Family Code); Act of April 6, 1995, 74th Leg., R.S., ch. 20, sec. 1, 1995 Tex. Sess. Law Serv. 113, 264 (to be codified at section 261.307 of the Family Code).